APPENDIX B

Order Amending Judgment and Amended Judgment

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

No. 15626

THE HANOVER SHOE, INC.

v.

UNITED SHOE MACHINERY CORPORATION,

Appellant

No. 15627

THE HANOVER SHOE, INC.

v. *Appellant,*

UNITED SHOE MACHINERY CORPORATION

Present: Forman, Ganey, and Freedman, *Circuit Judges*

ORDER AMENDING JUDGMENT

The judgment in these appeals is hereby amended by striking out the award of costs to each appellant and by providing in lieu thereof that in each appeal the amount of attorneys fees in the prosecution, briefing and arguing of the appeal shall be determined by the district court as part of the retrial of the issue of damages, and that the costs on this appeal shall abide the ultimate decision in this action.

By the Court,

ABRAHAM L. FREEDMAN

.....

Circuit Judge

Date: June 7, 1967

Order Amending Judgment and Amended Judgment

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

No. 15626

THE HANOVER SHOE, INC.

v.

UNITED SHOE MACHINERY CORPORATION,

Appellant

No. 15627

THE HANOVER SHOE, INC.

Appellant,

v.

UNITED SHOE MACHINERY CORPORATION

(D. C. Civil No. 5395)

APPEALS FROM THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Present—FOREMAN, GANEY and FREEDMAN, *Circuit Judges.*

AMENDED JUDGMENT

This cause came on to be heard on the record from the United States District Court for the Middle District of Pennsylvania and was argued by counsel.

On consideration whereof, it is now here ordered and adjudged by this Court that in United's appeal (No. 15,626) the judgment of the District Court, filed August 13, 1965,

be, and the same is hereby vacated as to damages and a new trial is awarded limited to damages, in accordance with the opinion of this Court; and the award of counsel fees in the amount of $600,000 for the services of Donovan Leisure Newton & Irvine and $50,000 for the services of Nogi, O'Malley & Harris be and hereby is vacated for further proceedings in accordance with the opinion of this Court; in Hanover's appeal (No. 15,627) the judgment of the District Court, filed August 13, 1965, be, and the same is hereby vacated so that the issue therein raised may be reconsidered as part of the retrial of damages. The amount of attorneys fees in the prosecution, briefing and argument of each of these appeals shall be determined by the District Court as part of the retrial of the issue of damages, and the costs on these appeals shall abide the ultimate decision in this action.

ATTEST:

THOMAS F. QUINN
Clerk

June 7, 1967

APPENDIX B

Order Denying Rehearing

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

No. 15626

THE HANOVER SHOE, INC.

v.

UNITED SHOE MACHINERY CORPORATION,

Appellant

No. 15627

THE HANOVER SHOE, INC.

Appellant,

v.

UNITED SHOE MACHINERY CORPORATION

SUR PETITION FOR REHEARING

Present—Staley, Chief Judge, McLaughlin, Kalodner, Hastie, Forman, Ganey, Smith, Freedman and Seitz, Circuit Judges.

The petitions for rehearing filed by The Hanover Shoe, Inc. and United Shoe Machinery Corporation in the above entitled case having been submitted to the judges who participated in the decision of this court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision

Order Denying Rehearing

having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court in banc, the petitions for rehearing are denied.

By the Court,
ABRAHAM L. FREEDMAN

.....
Judge

Dated: May 18, 1967